

Decoding Indigenous Justice Practices as a Pathway to Restorative Legal Reform in Southeast Asia

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ABSTRACT

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The legal system in Southeast Asia faces the challenge of balancing a retributive, punishment-oriented paradigm with the societal need for restorative justice. Amid modern legal reform efforts, customary justice practices offer a conceptual alternative rooted in the values of social harmony, deliberation, and moral balance. This research aims to interpret customary justice practices as a path to restorative legal reform in Southeast Asia, by examining the traditional legal system as a living source of legal values. This study uses a socio-legal approach with a qualitative method, through a case study on the Cirebon Customary Justice system regulated in the Cirebon Pepakem. Data was collected through field observations, interviews, and document studies, with interviews conducted with 10 informants consisting of indigenous leaders, legal academics, and judicial officials. Thematic analysis is used to identify principles of customary justice that are relevant to modern restorative law concepts. The results of the study show that the Cirebon Pepakem contains principles of social recovery, shared responsibility, and the idealism of fair judges, reflected through the symbols of Candra, Tirta, Cakra, and Sari. These values show that the traditional legal system of the archipelago has a restorative foundation that can potentially be integrated into contemporary legal reform. This study concludes that recognizing customary justice is a strategic step in building a contextual and sustainable restorative legal system in Southeast Asia.



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Introduction

In recent years in Southeast Asia, attention to restorative justice models has increased as an alternative to the retributive legal system that is considered to often fail to rehabilitate victims and improve social relationships. For example, in Indonesia, corrections and mass detention have become a burden on the correctional system, and efforts such as restorative justice regulations have begun to be encouraged through state and local government policies¹. The gap between formal law and customary law is becoming increasingly real, especially in communities that still practice customary norms and local traditions as a medium for conflict resolution. Local contexts such as customary belongings, territories, and the practice of resolving disputes through customary leaders show that there is potential value of customary law as part of the transformation of restorative law. The urgency of this research arises from the need to understand and outline how the customary law system can be used as a formal pathway to

¹ Gunawan Rahardjo et al., "Alternative Punishment Based on Restorative Justice to Reduce the Overcapacity of Indonesian Correctional Institutions," *Pakistan Journal of Life and Social Sciences* 22, no. 1 (2024).

more just and restorative reform, where the local context is not only the object of study but also the source of restorative legal theory^{2 3 4}.

In academic studies, a number of studies have discussed customary law, legal pluralism, and restorative justice, but there is still a relatively large gap. Examples Rochaeti et al. analyze customary practices in the restorative justice system in the Baduy community, emphasizing community participation and informal settlement⁵. However, their research focuses more on specific communities and minor criminal cases, without delving into customary books or formal customary law structures such as Squirt. Jakir & Haeranah in the study Decolonising Restorative Justice in Indonesia touched on how customary norms can be reinterpreted but did not specifically explore the ideal nature of customary judges or symbolism in traditional customary law texts⁶. Thus, while there are many studies that cite customary law as a restorative source, few have explored historical customary law documents, the symbolic structure of customary judges, and the practice of customary property authority as part of more formal restorative theories and models.

Furthermore, the current literature is also limited in describing how normative elements of customary law such as customary ownership, territory, customary judges' idealism, and customary book functions can be integrated into a nationally recognized or compared-national restorative legal framework in Southeast Asia. Studies such as "Strengthening Legal Pluralism in Indonesia: The Effects of Local Acknowledgment of Kasepuhan Adat Communities" examine the administrative recognition of indigenous communities in West Java and Banten, but do not delve into the details of the structure of historical customary law texts or the symbols of judges⁷. On the other hand, research on customary land conflicts or customary land rights such as by Siregar et al. expresses the issue of customary ownership but does not touch deeply on the text of traditional customary law or the ideal principle of customary judges as moral mediators⁸.

Thus, the scientific problems identified are: first, the lack of research that systematically elaborates on the content of traditional customary law texts such as Pepakem Cirebon in relation to restorative values; Second, the lack of studies that map the symbolism of customary judges such as the nature of Candra, Tirta, Cakra, and Sari as part of restorative justice theory; third, there is little research that examines how hereditary customary and territorial property rights can function as a restorative medium in the context of formal law; and fourth, the lack of integration of this kind of local research into the discourse of restorative legal reform at the Southeast Asian level in order to produce a theoretical and practical model that is applicable^{9 10 11}.

The purpose of this research is to describe the practice of customary justice in Cirebon through the study of customary law texts Pepakem Cirebon, the symbolism of customary judges, and the ownership of customary land/wewengkon as customary property rights, to identify restorative principles that can be adopted or adapted in

² Rahmi Dwi Sutanti, Nur Rochaeti, and Arsyad Rifki Damora, "Customary Law as an Instrument of Restorative Justice: An Alternative Approach to Criminal Conflict Resolution in Plural Legal Systems," *Clio: Revista de Historia, Ciencias Humanas y Pensamiento Crítico*, no. 10 (2025): 1348–81.

³ Sana Akhter, Fatima Mahr, and Anoosha Imtiaz, "Exploring Restorative Justice: An Alternate Dispute Resolution Mechanism in Islamic Law and Customary Law," *Journal of Law & Social Studies* 5, no. 4 (2021): 625–36, <https://doi.org/10.52279/jlss.05.04.625636>

⁴ Alfian Budiando et al., "Restorative Justice: Positivization of Customary Law in Resolving Land Disputes Based on Local Wisdom of Papuan Citizens," *Journal of Policy and Globalization* 127 (2022): 1–12.

⁵ Nur Rochaeti, Mujiono Hafidh Prasetyo, and Ji Hyun Park, "Implementing Restorative Justice to Build the Criminal Justice System in Indonesia: A Study of the Batak Toba Justice System," *Law Reform: Jurnal Pembaharuan Hukum* 19, no. 2 (2023): 221–47.

⁶ Ashar Rahmatullah Jakir and Haeranah Haeranah, "Decentering Justice: Integrating Indigenous Law into State-Led Restorative Justice in an Eastern Indonesian District," *SSRN Electronic Journal*, 2025, <https://ssrn.com/abstract=5250474>

⁷ Tine Suartina, "Strengthening Legal Pluralism in Indonesia: The Effects of Local Acknowledgment of Kasepuhan Adat Communities in West Java and Banten Provinces," 2022.

⁸ Taufik Siregar, Anwar Sadat Harap, and Ikhsan Lubis, "Mediation As an Alternative Dispute Resolution: Customary Law Perspective," *Kanun: Jurnal Ilmu Hukum* 24 (2022): 196–214.

⁹ Edy Setyawan, "Legal Culture Review and Judicial Track Record of the Kesultanan Cirebon in the Manuscript Pepakem Jaksa Pepitu," 2025.

¹⁰ Asep Saefullah et al., "The Penghulu Court, Islam, and Customary Law: Critical Analysis of the Handling of a Murder Case in Cirebon in 1794," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 165–80.

¹¹ Anne Haluska, "Restorative Justice and the Rights of Nature: Using Indigenous Legal Traditions to Influence Cultural Change and Promote Environmental Protection," *Mitchell Hamline Law Review* 49 (2023): 92–130.

formal legal reform¹². The research will explicitly, decode normative values in Pepakem Cirebon relating to the restoration of social relations, moral justice, and shared responsibility; analyze how the symbolism of customary judges projects the ideal of restorative justice; evaluate the function of customary and wilayah ownership as restorative institutions in community practice; and develop theoretical and practical recommendations for policymakers and formal legal institutions on how to integrate these customary elements into the restorative legal framework in Southeast Asia^{13 14}.

This research will use a socio-legal approach with a descriptive qualitative method through a case study in Cirebon. Data collection techniques include field observations to see firsthand the practices of customary conflict resolution, in-depth interviews with indigenous leaders, legal academics, and local judicial officials, as well as documentation studies on indigenous peoples. Pepakem Cirebon and documents related to customary property rights and customary land regulations¹⁵. Data analysis will be carried out thematically to find restorative values hidden in customary law texts and practices and compare them with modern restorative justice theory¹⁶.

The theoretical contribution of this research is expected to expand the restorative justice literature by adding the dimension of historical customary law as a source of restorative norms, especially through the symbolism of customary judges and customary land ownership institutions. The research is also expected to offer a customary-based restorative conceptual model that can serve as a reference for formal legal reform, including regulatory and policy revision of law enforcement in Indonesia and perhaps more broadly in Southeast Asia. Practical contributions include recommendations for policymakers, judicial institutions, and indigenous communities for the recognition of customary property rights and customary wewengkon authority, as well as the use of customary law elements in mediation, peace, and alternative formal conflict resolution procedures.

Through this research, it is hoped that a deeper understanding of how the practice of customary justice is not just a cultural phenomenon but as a foundation of restorative law that can be formally institutionalized. This research can also serve as a foothold for cross-border studies in Southeast Asia, where specific local models such as Cirebon can be compared and adapted so that restorative law becomes part of a strong and socially accepted normative framework. Thus, this research provides an opportunity to advance more just, inclusive, and sustainable legal reform in the region.

This study focuses on how indigenous justice practices can serve as a conceptual foundation for the development of restorative law in the Southeast Asian region. The main problem addressed in this research is how the principles of indigenous justice contained in Pepakem Cirebon reflect restorative values such as social recovery, shared responsibility, and moral balance within the context of the traditional legal system of the archipelago? In addition, this study also questions how the symbolism of customary judges represented by Candra, Tirta, Cakra, and Sari can be interpreted as an ethical framework relevant to the development of modern restorative justice concepts in Southeast Asia.

Method

This research uses a type of qualitative research with a socio-legal approach and a case study design on customary justice practices in Cirebon¹⁷. This design was chosen because it provides a space to understand in depth the relationship between customary norms, traditional legal symbolism, and the social context of the people who carry them out. The socio-legal approach allows for legal analysis not only as a normative text, but also as a social practice that lives in society. Through this case study, the research interprets customary law texts Pepakem Cirebon,

¹² Rinda Philona and Awaludin Awaludin, "Constitutional Values and Restorative Justice: A Critical Analysis in the Indonesian Context," *KARSA Journal of Social and Islamic Culture* 33, no. 1 (2025): 241–71.

¹³ Novi Rizka Permatasari, Hartiwiningsih, and Pujiyono Suwadi, "Restorative Justice Implementation in Cases of Assault: Exploring Kefamenanu Traditional Law Connections," in *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)* (Atlantis Press, 2024), 428–34.

¹⁴ Joko Budi Darmawan et al., "Incorporating Islah Principles into Restorative Justice: Bridging Contemporary Legal Practice and Islamic Values," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 269–94.

¹⁵ Tendi Tendi, Djoko Marihandono, and Abdurakhman Abdurakhman, "Between the Influence of Customary, Dutch, and Islamic Law: Jaksa Pepitu and Their Place in Cirebon Sultanate History," *Al-Jami'ah: Journal of Islamic Studies* 57, no. 1 (2019): 117–42.

¹⁶ Naufal Thariq Eka Putra and Elza Qorina Pangestika, "History of Customary Law," *Rechtsnormen: Journal of Law* 2, no. 1 (2024): 102–11.

¹⁷ Samza Fatima, "Employability of a Research Method and Methodology in a Socio-Legal Study," *Global Social Sciences Review* 8, no. 1 (2023): 341–51.

the symbolism of customary judges, and the land ownership system/wewengkon as a source of restorative value in legal reform in Southeast Asia¹⁸.

The research population includes indigenous communities, local judicial officials, and legal academics who understand customary law practices in Cirebon. The sampling technique uses non-probability purposive sampling, because informants are selected based on the criteria of knowledge and experience relevant to the research object. Participants consisted of 10 main informants: 4 customary leaders, 2 customary law academics, and 4 judicial officials who had been involved in customary dispute resolution.

Data collection was carried out through three main techniques: field observation, in-depth (semi-structured) interviews, and documentation studies¹⁹. Observations were carried out to directly observe customary conflict resolution practices, deliberation processes, and the application of values Squirt in people's lives. Semi-structured interviews are used so that informants can explain their perceptions and experiences freely, while staying within the framework of the research theme. Documentation studies include text Pepakem Cirebon, Customary Property Archives/wewengkon, customary court records, and relevant national legal regulations.

The validity of the data was maintained using the triangulation technique of sources and methods, by comparing the results of observations, interviews, and documents²⁰. The validity of the content is strengthened through member checking, which is the return of provisional findings to the informant to confirm the correctness of the data²¹. Dependability is guaranteed through systematic field recording and the storage of well-documented interview transcripts. Meanwhile, credibility, transferability, and confirmability are used as benchmarks for the validity of qualitative data.

The research process is carried out in stages. The first stage is preparation, which includes literature study, research licensing, and preparation of interview guidelines and observation sheets. The second stage is the collection of field data through observation and in-depth interviews with the designated informants. The third stage is the collection of documents such as Pepakem Cirebon and archives related to customary law. The fourth stage is data processing and analysis, starting from interview transcription, coding, to the formation of main themes. The final stage is the preparation of a research report and the formulation of theoretical and practical recommendations for the development of restorative legal policies in Southeast Asia.

Data analysis uses an inductive thematic approach to identify patterns and meanings from empirical data²². The analysis process includes six stages: data familiarization, initial coding, theme search, theme review, theme naming and definition, and compiling analysis reports. This approach allows for the emergence of thematic categories that reflect restorative values in customary law, without limiting interpretation to existing theories. To support the accuracy and efficiency of data processing, NVivo 14 and Atlas.ti software are used as qualitative analysis aids²³. The findings are then compared with modern restorative justice theories to yield deeper contextual and theoretical meanings

Results and Discussion

Restorative Values in the Text of the Cirebon Pepakem

Analysis of text Pepakem Cirebon revealed that the customary law system in the Cirebon Sultanate area is built on the principle of social, spiritual, and moral balance. This text not only serves as a formal legal guideline, but also as a reflection of the philosophy of justice that lives in society. The main principle is not on punishment, but on restoring balance. Each violation is seen as a disruption to the social order and the cosmos, so its resolution is directed at the reconciliation and restoration of the relationship between the perpetrator, the victim, and the community.

¹⁸ Linda Mulcahy and Rachel Cahill-O'Callaghan, "Introduction: Socio-Legal Methodologies," *JL & Soc'y* 51 48 (2021).

¹⁹ Nuzhat Naz, Fozia Gulab, and Mahnaz Aslam, "Development of Qualitative Semi-Structured Interview Guide for Case Study Research," 2022.

²⁰ Cem Harun Meydan and Handan Akkaş, "The Role of Triangulation in Qualitative Research: Converging Perspectives," in *Principles of Conducting Qualitative Research in Multicultural Settings* (IGI Global, 2024), 98–129.

²¹ Mohd Zairul, "Can Member Check Be Verified in Real Time? Introducing ARC (Asking, Record, Confirm) for Member Checking Validation Strategy in Qualitative Research," *Engineering Journal* 25, no. 1 (2021): 245–51.

²² KDRLJ Perera, "Applying Thematic Analysis to Analyse Qualitative Data: A Researcher's Experience," *International Journal of Research and Innovation in Social Science (Ijryss)* 7, no. 2 (2023): 1334–40.

²³ Jeganathan Gomathi Sankar, Dina Darwish, and P Valan, "Evaluating Qualitative Data Analysis Tools: A Comparative Study of NVivo and ATLAS. Ti," in *Evolving Designs, Applications, Technological Advances, and the Future of Qualitative Research* (IGI Global Scientific Publishing, 2025), 107–36.

Some articles in Squirt emphasize the importance of deliberation, confession of errors, and community involvement in restoring harmony. In civil and minor criminal cases, the perpetrator is asked to repair the damage caused and publicly apologize in front of the victim's family and traditional leaders. This model demonstrates a logic of restorative justice that prioritizes social healing rather than mere punishment. A traditional figure describes that: *"In the Pepakem, the main thing is not who is at fault, but how damaged relationships can be restored. The guilty person must come to his senses, apologize, and repair the consequences of his actions. That's what is called fair in Cirebon."* (TA-03, July 11, 2025 interview).

A similar thing was affirmed by one of the customary law academics: *"The values contained in Pepakem are actually the concept of restorative social justice. People used to understand that solving problems should restore balance, not add to suffering."* (AH-01, July 15, 2025 interview). While a local judicial official explained how the principle is still relevant in contemporary practice: *"In some mediations at the village level, we have seen the same pattern as in customary law. Community leaders intercede, and the perpetrator was given the opportunity to atone for his mistakes. It's much more effective than just imprisoning."* (PA-02, July 22, 2025 interview).

These findings show that Pepakem Cirebon contains a justice mechanism that is participatory and oriented towards social healing. Values such as Squirt (*rasa malu*), Moral Responsibility and Intent to correct errors to establish a legal ethics that do not separate morality from justice. This is where Squirt can be seen as an early form of the local restorative justice system, a legal paradigm that seeks to restore balance, not create retaliation. The link between customary law and restorative justice is clearly seen in the community's awareness that violations of the law are violations of social and spiritual harmony. Therefore, recovery becomes a collective process that involves families, communities, and moral leaders. This approach confirms that customary law is not just part of local legal history, but rather a normative source of inspiration for restorative law reform in Southeast Asia.

Symbolism of Customary Judges as Representations of Justice Ethic

In the Cirebon customary law system, customary judges are not positioned as authoritative figures who only make decisions, but as guardians of social harmony. Pepakem Cirebon depicts four moral symbols that are the main guide for a customary judge: Moon (month), Water (water), Chakra (the weapon of the gods), and Sari (interest). Each symbol has a philosophical meaning related to the dimensions of ethics, spirituality, and social responsibility of a justice enforcer.

Moon symbolizes wisdom and serenity; The judge must shine without burning, illuminating without offending. Tirta signifies purity of intention and honesty in judging cases. The chakra symbolizes the moral strength to uphold the truth despite facing social pressure, while the Sari is a symbol of the fragrance of behavior, namely personal integrity and example in daily life. A traditional leader said: *"Customary judges are not only good at legal matters but must be clean as water and calm as the moon. If he is angry, his decision can be biased. So, Pepakem teaches judges to have a clear heart."* (TA-01, July 10, 2025 interview).

This view is reinforced by an academic of customary law who considers the symbolism to be a system of judicial ethics that predates the modern concept of integrity: *"The four symbols are actually a code of ethics for customary judges. They must maintain a balance between reason and heart, law and humanity. This is a very modern concept, it's just conveyed through cultural language."* (AH-02, interview July 18, 2025). While one judicial official assessed that these symbolic values could be an inspiration for modern judicial reform: *"If the principles of Candra, Tirta, Cakra, and Sari are applied in the courts now, maybe justice can be more humane. Because judges don't just read the law, but also weigh feelings and social balance."* (PA-03, July 25, 2025 interview).

The results of these interviews and observations show that the symbolism of customary judges is not just a cultural ornament, but a moral instrument in the administration of justice. Thus, Pepakem Cirebon It not only functions as a book of law, but also as a charter of ethics for customary law enforcers. In the context of restorative justice, the four symbols form a moral framework relevant to modern principles of empathy, participation, and social responsibility. Customary judges play a role not only as law enforcers, but as facilitators of social reconciliation. They restore a sense of justice not through punishment, but through moral guidance and the restoration of social relationships.

These findings show that the Cirebon customary justice system has a complex value layer combining normative, spiritual, and social aspects that are able to support the contemporary restorative legal paradigm. The integration of these values in legal reform in Southeast Asia can enrich an approach to justice that is not only legal-formal, but also based on local wisdom and universal humanity.

Customary Dispute Settlement Practices and Social Recovery Mechanisms

The results of field observations show that the process of resolving customary disputes in Cirebon is carried out with the principles of openness, participation, and social balance. This process generally takes place in Traditional Hall or the house of community leaders, led by elders or traditional leaders who act as mediators. Each party to the dispute is given the opportunity to publicly express their feelings, views, and reasons for their actions in front of the community. The goal is not to find the wrong party, but to restore disturbed social relations and restore harmony in the community.

The settlement stage starts from family deliberation, followed by a customary meeting involving a third party as a mediator. In certain cases, the perpetrator is asked to carry out remedial actions such as an open apology, restitution of the victim's property rights, or social work for the benefit of the community. Moral sanctions, such as shame (Squirt), has a strong social effect and serves as a form of collective self-control. A traditional leader said: *"If there is a problem, we do not immediately punish. We call all parties, first listen to the story. Then we find a way for them to reconcile. Sometimes it's enough to apologize in front of the crowd and give back those who have been harmed."* (TA-02, July 9, 2025 interview).

A judicial official who has been involved in customary land dispute cases added: *"We see that indigenous peoples have a very effective mechanism. They sit together, there is no judge of high position. Everything was resolved by consensus. As a result, social relationships are maintained."* (PA-01, interview July 17, 2025). The views of customary law academics also reinforce these findings: *"The customary deliberation process is actually a form of restorative justice that is already established. The focus is not on crime or compensation alone, but on social and moral reconciliation. This is what distinguishes it from the modern legal system."* (AH-02, July 20, 2025 interview).

In practice, customary decisions are collective and based on the principle of inner balance. Traditional leaders act not as authoritative judges, but as moral guides who maintain neutrality. This approach creates a sense of shared responsibility between the perpetrator, the victim, and the community to restore social peace. This model of settlement bears a fundamental resemblance to restorative justice, especially in its emphasis on dialogue, accountability, and restoration. This mechanism shows that the customary justice system has internalized social values that function as a means of social healing and moral restoration. Therefore, the dispute resolution pattern in Cirebon can be used as a contextual model for strengthening the restorative legal system in Southeast Asia, which emphasizes the value of empathy, community participation, and the restoration of social relations.

Customary Land Ownership and Wewengkon Social Functions as a Restorative Medium

In the context of Cirebon customary law, customary land (wewengkon) has a meaning that goes beyond the economic dimension. It is a symbol of the spiritual attachment between humans, ancestors, and nature. Every indigenous person has a moral responsibility to maintain the sustainability of heritage land and ensure its use does not damage the social and ecological balance. Land disputes within indigenous peoples are often seen as a form of disharmony that must be restored through social mechanisms, not just legal settlements.

The process of resolving customary land disputes usually involves customary leaders, extended families, and disputing parties. Deliberation is carried out by considering the rights, origin of the land, and the social value behind the ownership. The end goal is not to win over one party, but to ensure that the land remains a source of harmony and mutual prosperity. A traditional leader explained: *"Customary land is not completely privately owned. It is a mandate from the ancestors to be maintained. If there is a disagreement, our task is not to decide, but to restore balance. Sometimes the solution is to divide the land, sometimes one party is given the right to manage it together."* (TA-04, July 12, 2025 interview).

Meanwhile, a judicial official emphasized the relevance of these values to the modern legal system: *"In court, people always talk about certificates and formal ownership. But in customs, what is emphasized is mutual welfare. This is actually a very advanced sustainability principle."* (PA-04, July 24, 2025 interview). The views of customary law academics also underline the moral aspect of the concept wewengkon: *"In the perspective of customs, ownership means responsibility. Areas have a strong social function, as land is considered part of the body of the community. Hurting the land is tantamount to destroying the moral balance of society."* (AH-01, interview July 27, 2025).

Thus, the concept wewengkon in Cirebon is not only a traditional ownership structure, but also a social space for restorative justice practices. Through this mechanism, the settlement of land conflicts does not end in the separation of rights, but in reconciliation and the strengthening of intergenerational relations.

The principles of responsibility, sustainability, and balance are the moral foundations that connect customary values with the modern restorative legal paradigm.

Indigenous Justice as a Model for Contextual Restorative Law Reform in Southeast Asia

The findings of this study show that the Cirebon customary justice system has strong relevance in the context of restorative legal reform in Southeast Asia. Principles such as *deliberation, collective responsibility, confession, and social recovery* have similarities with customary practices in various Southeast Asian countries, including *Minangkabau customary law in Indonesia, Malay customary law in Malaysia, and customary villages in Thailand and the Philippines*. However, the uniqueness of Cirebon lies in the existence of written codification through *Pepakem Cirebon*, as well as the ethical symbolism of customary judges that make Cirebon customary law have a systematic moral structure.

An academic of customary law explains: "*Cirebon has the advantage because it already has a written and structured customary law system. The policy is not only a text, but also a moral and social guideline. This can be used as a model for the development of restorative law in the Southeast Asian region.*" (AH-02, July 19, 2025 interview). From the perspective of actors on the ground, judicial officials consider the integration of customary law into the formal legal system as a strategic step: "*If indigenous values can be incorporated into the national legal system, such as community-based mediation or recognition of customary institutions, conflict resolution can be much more humane and effective.*" (PA-02, July 21, 2025 interview).

While traditional leaders emphasized the importance of acknowledging local wisdom: "*We in Cirebon have our own way of maintaining justice. If the country wants to learn, don't remove the customs, but support them so that they can walk side by side. Because the custom takes care of the heart, not just the law on paper.*" (TA-03, July 26, 2025 interview). Based on these findings, Cirebon customary justice can be positioned as *Contextual model* in restorative legal reform in Southeast Asia.

Its values offer an alternative to a formal legal system that tends to be retributive. The integration of customary values into legal policies can be done through Strengthening customary mediation institutions, legal recognition of customary land rights as a restorative social space, and legal education based on local wisdom for law enforcement officials. Thus, customary justice is not only a cultural heritage, but a theoretical and practical foundation for more inclusive, participatory, and sustainable legal reform in Southeast Asia. The Cirebon model proves that legal reform does not have to erase tradition, but can instead enrich the modern legal system with local values that uphold humane-based justice and social balance.

The results of this study confirm that the traditional justice of Cirebon as reflected in the *Pepakem Cirebon* has strong relevance to the principles of modern restorative justice. Based on the results of interviews, field observations, and document analysis, it was found that the customary justice system in Cirebon is more oriented towards restoring social relations than individual punishment. Principles such as *Squirt (shame), moral responsibility, and deliberation* show that conflict resolution aims to create social and spiritual balance. These findings reinforce the view that the archipelago's customary law contains an inherent restorative dimension and can be integrated into the formal legal system²⁴. In the context of Southeast Asia, these values also appear similar to the principles of communitarian justice in the Philippines and the concept of *adat reconciliation* in Malaysia^{25, 26}.

Analysis of text *Pepakem Cirebon* It shows that customary justice places perpetrators, victims, and communities in interdependent relationships. Any violation is understood as a disturbance of moral and social balance, not merely a violation of formal law. One of the traditional leaders emphasized that "*In Cirebon customs, a person's mistakes are not solved only by punishment, but by restoring relationships between citizens*" (TA-02, July 12, 2025 interview). This is in line with the theory restorative justice according to Howard and Pasternak, which emphasizes that true justice is realized through dialogue, confession of wrongs, and the restoration of social relations²⁷.

²⁴ Agus Widjajanto, I Gde Pantja Astawa, and Muhammad Rulyandi, "Decolonising Restorative Justice in Indonesia: A Comparative Study across Customary Law Traditions," *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 470–92.

²⁵ Chios Carmody, *A Communitarian Theory of WTO Law*, vol. 181 (Cambridge: Cambridge University Press, 2023).

²⁶ Seema Gul, Riaz Ahmad, and Sami Ur Rahman, "Constitutional Dualities: Reconciling Islamic Normativity with Common Law Principles in Hybrid Legal Systems," *Indus Journal of Social Sciences* 3, no. 2 (2025): 674–93.

²⁷ Jeffrey W Howard and Avia Pasternak, "Criminal Wrongdoing, Restorative Justice, and the Moral Standing of Unjust States," 2021.

Furthermore, the Cirebon customary justice system places the symbolism of customary judges as an ethical instrument in upholding justice. Symbol Moon, Water, Chakra and Sari It is not just a mythological representation, but it describes the moral dimension of the judge who must be balanced between wisdom, purity, moral strength, and the fragrance of behavior. An academic of customary law explained that "*The four symbols are actually ethical guidelines for anyone who decides the case, so that they not only look at it from a positive legal perspective, but also from the morals and sense of justice of the community*" (AH-01, July 16, 2025 interview). This view expands on the legal ethics theory of the Arneson which is oriented to the principle of distributive justice and emphasizes the need for a moral dimension in the application of the law ²⁸.

The practice of customary dispute resolution observed in the field shows systematic and inclusive stages. The deliberation process was carried out openly at the customary hall involving community leaders and parties to the dispute. This mechanism facilitates dialogue and shared responsibility in reaching an agreement. A judicial official said that "*Sometimes people come with high emotions, but after sitting together in front of traditional leaders, they start to realize that relationships are more important than winning.*" (PA-03, July 20, 2025 interview). This process is in line with the restorative conferencing approach in theory Sapp, which focuses on direct involvement between victims and perpetrators as an effort to achieve social healing ²⁹.

Another significant aspect is the concept of customary land and *wewengkon* as an integral part of customary justice. In the Cirebon system, customary land is not only seen as an economic asset, but also a moral space that represents a balance between humans and nature. A traditional leader stated, "*Customary land is not to be owned, but to be guarded together, because there is the honor of the ancestors*" (TA-04, interview July 22, 2025). This perspective expands the scope of restorative justice by adding ecological and spiritual dimensions, which are also raised by research Tedesco et al. On Restorative Ecology, where environmental balance is part of social reconciliation ³⁰.

The results of this study have significant theoretical and practical implications. Theoretically, this study expands the scope of the concept of restorative justice by including local cultural and spiritual dimensions, which have not been extensively studied in the modern legal literature. In practice, these findings support the integration of customary dispute resolution mechanisms into the national legal system, especially through community-based mediation institutions and legal recognition of customary lands as a space for social recovery. This approach also supports contextual legal pluralism initiatives that emphasize the importance of recognition of local legal systems within national legal frameworks ³¹.

However, this study has some limitations. First, the scope of research that only focuses on the Cirebon region makes generalizations to the entire Southeast Asian region still limited. Second, there is a gap in official documentation data regarding the implementation of *Pepakem* in the contemporary context. Some judicial officials also mentioned that "*not all customary values can be directly applied in formal courts because there is no strong legal basis yet*" (PA-02, July 19, 2025 interview). This shows the need for further research with a comparative approach between regions to strengthen the validity of the customary justice model as an inspiration for restorative law reform at the regional level.

Overall, this research makes an important contribution to the development of contextual restorative justice theory in Southeast Asia. Through an in-depth analysis of *Pepakem* Cirebon, this study shows that the archipelago's customary legal system is not only a cultural heritage, but also a conceptual foundation for the development of a legal system that is social, moral, and spiritually just. The integration of indigenous values into the modern legal framework is a strategic step to realize legal reform that is humane, sustainable, and in accordance with the character of Southeast Asian society.

²⁸ Richard Arneson, "Distributive Justice," in *The Oxford Handbook of Moral Responsibility*, ed. Dana Kay Nelkin and Derk Pereboom (Oxford: Oxford University Press, 2022), 412–29, <https://doi.org/10.1093/oxfordhb/9780190679309.013.19>.

²⁹ Karla Sapp, "Restorative Justice: Healing Communities," in *Revolutionizing Justice in the Pipeline Era: Breaking the Chains* (Springer, 2024), 67–88.

³⁰ Anazélia M Tedesco et al., "Beyond Ecology: Ecosystem Restoration as a Process for Social-Ecological Transformation," *Trends in Ecology & Evolution* 38, no. 7 (2023): 643–53.

³¹ Geoffrey Swenson, *Contending Orders: Legal Pluralism and the Rule of Law* (Oxford University Press, 2022).

Conclusion

This study reveals that customary justice practices in Southeast Asia, particularly in the context of Pepakem Cirebon, reflecting a legal system rooted in the values of social harmony, collective responsibility, and moral balance. Through symbols such as Candra, Tirta, Cakra, and Sari, this system emphasizes the role of customary judges not only as enforcers of norms, but also as guardians of the moral and social balance of society. These principles prove that customary justice has a restorative character that emphasizes the restoration of community relationships and harmony, not just the punishment of perpetrators.

Conceptually, the results of this study show that the customary justice system is a form of living law that is still relevant to be an inspiration in modern legal reform. The socio-legal approach and qualitative methods applied reinforce the understanding that local values can be integrated with contemporary restorative justice principles to create a more humane and contextual legal system in Southeast Asia. This integration not only enriches the formal legal dimension, but also strengthens the social legitimacy of the law enforcement process itself.

Thus, decoding indigenous justice practices is a strategic step in building a restorative legal model that is in accordance with the cultural character and needs of Southeast Asian people. Recognition of customary law is not just a form of preserving traditions, but a path to sustainable, inclusive, and socially just legal reform. The integration of local values into the national legal system can be the foundation for the creation of a paradigm of justice that restores, not punishes.

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Author Contributions Statement

Pangeran Maulana Kamal designed the study, conducted data collection and analysis, interpreted the findings, and wrote and finalized the manuscript.

AI Usage Statement

Artificial Intelligence (AI) tools were used only for language editing and clarity improvement. All research content, analysis, and conclusions are the sole responsibility of the author.

Conflict of Interest

The author declares no conflict of interest.

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